

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: OHIO EXECUTION
PROTOCOL LITIGATION**

**Case No. 2:11-cv-1016
JUDGE GREGORY L. FROST
Magistrate Judge Mark R. Abel**

This document relates to: All Plaintiffs.

ORDER

On May 15, 2014, this Court held a telephone status conference in the captioned case. The following summary memorializes the key representations and orders made during that conference, in addition to setting additional deadlines:

(1) Plaintiffs contend that the adoption of the new execution protocol effective April 28, 2014, necessitates amended pleading. Defendants disagree at least in part. The Court accepts the parties' arguments as an oral motion for leave to amend and an oral memorandum in opposition. This Court concludes that amended pleadings are necessary and grants the oral motion for leave to amend based on the same reasoning that has informed the prior adoption of new protocols and consequent amendments throughout this litigation.

(2) Plaintiff Ronald Phillips shall file an amended individual complaint on or before May 23, 2014. Defendants shall file an answer to that pleading on or before May 30, 2014.

(3) Phillips shall file his motion for injunctive relief regarding his execution on or before June 6, 2014. Given the matters discussed during the May 15, 2014 conference, there is no need for an informal telephone conference on the motion pursuant to S.D. Ohio Civ. R. 65.1(a). The motion shall come on for an oral hearing on June 9, 2014, at 9:00 a.m.

(4) The parties shall work together to coordinate any necessary expedited discovery. In

the event of a discovery dispute, the parties shall confer and, should the parties fail to resolve the dispute, shall immediately contact this Court for a discovery conference.

(5) All plaintiffs who wish to join in the filing of the Third Amended Omnibus Complaint shall file that pleading on or before July 9, 2014. Those plaintiffs who do not wish to be part of the new omnibus filing shall file amended individual complaints on or before that same date. Additionally, any plaintiff who wishes to file an amended supplemental individual complaint raising medical issues specific to that plaintiff shall do so on or before July 9, 2014. Defendants shall file answers on or before July 23, 2014.

(6) In light of the need for amended pleading, the Court recognizes that the following pending motions are moot: ECF Nos. 448, 449, and 452. The Clerk shall terminate these motions as moot on the docket.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE